

### **REMARKS**

Claims 1-77 are currently pending in the subject application and are presently under consideration. Claims 1, 7-10, 15, 19-20, 24, 26-27, 40, 44, 48, 51, 54, 62, 65 and 68 have been amended herein. Claims 5, 11 and 23 have been cancelled while claims 71-77 have been newly added. A corrected listing of claims is shown at pages 2-15.

Applicants' undersigned representative thanks the Examiner for the courtesies extended during the telephone conversation of May 10, 2007, and the in-person interview of August 7, 2007 where distinctions of the claimed invention (*e.g.* determining cognitive capability of the user) were discussed over the primary reference Carpenter *et al.*

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 20-23 Under 35 U.S.C. §101**

Claims 20-23 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Withdrawal of this rejection is respectfully requested in view of the amendments to independent claim 20.

#### **II. Rejection of Claims 20-70 Under 35 U.S.C. §102(b)**

Claims 20-70 stand rejected under 35 U.S.C. §102(b) as being anticipated by Carpenter *et al.* (USPN 5,910,799). Applicants' representative requests withdrawal of this rejection in view of the following comments.

Independent claims 20, 24, 26, 27, 40, 44, 48, 51, 54, 62, 65, and 68 have been amended to recite similar limitations that are not disclosed or suggested by Carpenter *et al.* In particular, these claims recite ***determining cognitive capabilities of a user, and employing such determined user cognitive capability in connection with selecting an appropriate user interface.***

Likewise, independent claim 33 recites ... ***determining that the current context has changed in such a manner that the first user interface is not appropriate for the user, the changed context including ... a change in a current mental state of the user...selecting a second user interface that is appropriate for the user based at least in part on the current context.***

Independent claim 57 recites *dynamically determining a level of attention which the user can currently give to the user interface; and dynamically determining one or more current characteristics of a user interface that is currently appropriate to be presented to the user based at least in part on the determined level of attention.*

Carpenter *et al.* does not teach or suggest these novel claimed features. The cited art merely teaches selecting an appropriate user interface to display as a function of determined user/device location. Contrary to assertions made in the Office Action at page 15 (regarding now cancelled claim 11), this reference does not teach or suggest at column 8, lines 60-67 (let alone anywhere in the reference) *determining cognitive capability of a user and selecting an appropriate user interface as a function of the determined cognitive capability of the user* as in applicants' claimed invention. Rather, the cited section simply teaches changing a user interface based on change in location (*e.g.*, moving from one hospital room to another) – there is no mention or suggestion of determining cognitive capability of the user.

The Office Action erroneously cites to col. 4, lines 1-15, and col. 6, lines 10-30 as teaching a change in current mental state of the user as recited in applicants' claim 33. However, the cited sections merely disclose selecting an appropriate user interface based on acquired geographic location; and automatically associating a user interface with a geographic location. There is no mention or suggestion of *determining current mental state of the user.*

Regarding claim 57, the Office Action cites to col. 8, lines 60-67, and col. 9, lines 1-20. These cited sections of the reference merely teach modifying user interfaces as a function of change in location. There is no teaching or suggestion of *dynamically determining a level of attention which the user can currently give to the user interface; and dynamically determining one or more current characteristics of a user interface that is currently appropriate to be presented to the user based at least in part on the determined level of attention.*

In view of the foregoing, it is readily apparent that Carpenter *et al.* does not anticipate applicants' invention as recited in the subject claims, and this rejection should be withdrawn.

### III. **Rejection of Claims 1-19 Under 35 U.S.C. §103(a)**

Claims 1-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Carpenter *et al.* (USPN 5,910,799) in view of Kemink *et al.* (USPN 6,563,430 B1). Withdrawal of this rejection is respectfully requested in view of the following deficiencies associated with the cited art.

Independent claim 1 has been amended to recite limitations from cancelled claim 11. In particular, this claim recites ...***determining cognitive capabilities of a user; determining context of the user; and automatically selecting for presentation to the user one of the predefined user interfaces, wherein the selection is a function of the determined cognitive capabilities of the user and the user context.*** Neither Carpenter *et al.* nor Kemink *et al.* teach or suggest these claimed features of applicants' invention.

As noted *supra*, Carpenter *et al.* teaches selecting an appropriate user interface to display as a function of determined user/device location. Contrary to assertions made in the Office Action at page 15 (regarding now cancelled claim 11), this reference does not teach or suggest at column 8, lines 60-67 (let alone anywhere in the reference) *determining cognitive capability of a user and selecting an appropriate user interface as a function of the determined cognitive capability of the user* as in applicants' claimed invention. Rather, the cited section simply teaches changing a user interface based on change in location (*e.g.*, moving from one hospital room to another) – there is no mention or suggestion of determining cognitive capability of the user.

Kemink *et al.* simply relates to a remote control device with location dependent interfaces; and this reference does not cure the aforementioned deficiencies of Carpenter *et al.*

It is clear from the above comments that the cited art does not make obvious applicants' invention as recited in claim 1 (and claims 2-4, 6-10, and 12-19 that respectively depend therefrom). This rejection should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP1895US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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